

R E M A R K S

This is in response to the Office Action of June 1, 2010. Claim 12 is amended to recite the feature of claim 14. Claim 12 as amended hereinabove is thus former claim 14, rewritten in independent form. Claims 13 and 14 are cancelled, without prejudice. Claims 28-35 are cancelled, without prejudice. Claims 23 and 26 are amended to specify that the nonionic water-soluble macromolecule is poly(ethylene glycol mono(meth)acrylate-photoreactive acrylamide) copolymer. New dependent claims 36 and 37 are added, reciting a specific copolymer disclosed on page 26 of the specification. No new matter is introduced by this Amendment. Claims 1, 12, 15-26, 36, and 37 are now pending in the application, of which claims 1, 15-22, and 25 stand withdrawn from consideration and claims 12, 23, 24, 26, 36, and 37 are before the Examiner for consideration on their merits.

Prior art rejection

Claims 12-14, 23, 24, 26, and 28-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US 2001/0014448 A1 (Chappa) in view of US 6,706,260 B1 (Tanaka). Office Action, pages 2-4. The rejection does not apply to the claims presented hereinabove.

The Examiner relies upon the fact that Chappa discloses a polymer backbone comprising polymethylacrylamide-photoreactive methacrylamide copolymers. As amended hereinabove, Applicants' independent claims 23 and 26 require that the nonionic water-soluble macromolecule is poly(ethylene glycol mono(meth)acrylate-photoreactive acrylamide) copolymer. Poly(ethylene glycol mono(meth)acrylate-photoreactive acrylamide) copolymers are neither taught nor suggested by Chappa. As demonstrated experimentally in Example 8 of Applicants' specification (see, e.g., Table 3 on page 28), by using poly(ethylene glycol mono(meth)acrylate-photoreactive acrylamide) copolymers, non-specific binding is inhibited significantly, which permits accurate assays to be carried out.

Both Chappa and Tanaka are silent as to the use of poly(ethylene glycol mono(meth)acrylate-photoreactive acrylamide) copolymers, as well as to the unexpected superior effects obtained thereby. Accordingly, the present amended claims are manifestly patentable over the cited references. Withdrawal of the rejection of record based on the Chappa published application in view of the Tanaka patent is in order and is earnestly solicited.

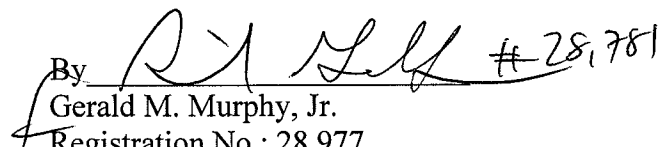
Contact information

If there are any questions concerning this application please contact Richard Gallagher, Registration No. 28,781, at (703) 205-8008.

If any additional fee is determined to be necessary in connection with this response, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: November 30, 2010

Respectfully submitted,

By  #28,781
Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant